

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-33 are pending. By the amendment the specification and Claims 2, 3, 13, 14 and 15 are amended to correct informalities. No new matter has been added.

Applicants appreciate the courtesies extended to Applicants' representative during the January 26 personal interview. The substance of the discussions held are incorporated into the amendments and following remarks and constitute Applicants' record of the interview.

The Office Action rejects Claims 1-7, 9-22, 29-31 and 33 under 35 U.S.C. § 102(b) over U.S. Patent 5,796,828 to Tsukamoto et al. and Claims 8, 23-28 and 32 under 35 U.S.C. § 103(a) over Tsukamoto et al. in view of U.S. Patent 5,774,859 to Houser et al. These rejections are respectfully traversed.

Before considering the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103, it is believed that a brief review of the subject matter of independent Claim 1 would be helpful.

Independent Claim 1 includes a system for distributing content over a terrestrial broadcast channel including a broadcast station configured to transmit over the terrestrial broadcast channel a television signal including encrypted updated content information, an apparatus pre-populated to include encrypted predetermined content information stored therein prior to acquisition of the apparatus by a user and configured to receive the television signal over the terrestrial broadcast channel, extract encrypted updated content information from a television signal, store the encrypted updated content information in the apparatus, decrypt the updated encrypted content information and the encrypted predetermined content information and provide on demand at least one of the decrypted updated content information

and the decrypted predetermined content information, the encrypted updated content information and the encrypted predetermined content information including at least one of encrypted digital movies, encrypted video games and encrypted MPEG audio layer 3 files.

Independent Claim 33 includes inter alia, a process for distributing content over a terrestrial broadcast channel.

Applicants respectfully disagree with the Office Action's assertion that Tsukamoto discloses an apparatus pre-populated to include predetermined content information stored therein prior to acquisition of the apparatus by a user. The Office Action cites receiving system 102 and column 9, lines 64-67 and column 10, line 1 of Tsukamoto. However, these portions in Tsukamoto merely disclose that a stored video may be accessed N times. As discussed at column 3, lines 19-21 the receiving system 102 processes and records video signals. There is no predetermined content information pre-populated in receiving system 102. As discussed in the specification at paragraph [0040] the consumer receives the set top box 124 pre-populated with content. The terrestrial broadcast updates the content in the set top box 124 and adds new release content to the set top box 124 as it becomes available. In this way, the consumer can view on demand all pre-populated and updated content in the set top box.

At column 3, lines 22-27, Tsukamoto references previously stored access control signals and previously recorded video signals. The access control signals do not relate to the "content" of the claims which includes at least one of encrypted digital movies, encrypted video games and encrypted MPEG audio layer 3 (MP3) files. Furthermore, the previously recorded video signals are not pre-populated and instead are video signals recorded in the normal use of the apparatus.

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Similarly, with respect to independent claim 33, Tsukomoto does not disclose pre-populated encrypted predetermined content information stored prior to acquisition by user.

Houser does not provide the deficiencies in Tsukomoto.

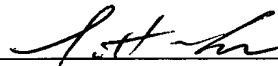
The remaining dependent claims are allowable for at least the reasons discussed above and for the individual features they recite. Withdrawal of the rejection of the dependent claims is respectfully requested.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encourage to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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